

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRANK H. FINKEL, et al.,

MEMORANDUM AND ORDER

Plaintiffs,

CV 05-4656

-against-

(Wexler, J.)

S.I. ASSOCIATES CO., INC. and
NASSAU READY MIX,

Defendants.
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APPEARANCES:

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WEXLER, District Judge

Presently before the court is the objection of Defendant Nassau Ready Mix Corp. to a discovery ruling of Magistrate Judge William D. Wall dated February 12, 2007, regarding Plaintiffs' the use of the testimony of two particular witnesses. Pursuant to Rule 72 of the Federal Rules of Civil Procedure this court shall modify or set aside any part of the order

appealed from that is "clearly erroneous or contrary to law." FRCP 72(a). This court has reviewed the objections and the order of Magistrate Judge Wall and concludes that the order appealed from should be affirmed. Accordingly, Defendant's objections are hereby overruled and the Order of Magistrate Judge Wall is affirmed.

SO ORDERED.



LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
March 12, 2007